

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ILLINOIS NATIONAL INSURANCE COMPANY,
THE INSURANCE COMPANY OF THE STATE OF
PENNSYLVANIA, and NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH, PA,

Plaintiffs,

v.

TUTOR PERINI CORPORATION,

Defendant.

CASE NO. 11-CV-00431

**CHARTIS INSURERS' MOTION
FOR PARTIAL JUDGMENT ON
THE PLEADINGS**

Illinois National Insurance Company, The Insurance Company of the State of Pennsylvania, and National Union Fire Insurance Company of Pittsburgh, Pa submit this Motion for Partial Judgment on the Pleadings. Counterclaim Count III by Tutor Perini Corporation ("Tutor Perini") alleging a violation of Massachusetts General Laws Chapter 93A, Section 11, should be dismissed. Chapter 93A requires that the allegedly unfair conduct upon which the claim thereunder is based occur primarily and substantially in Massachusetts. Here, the Chapter 93A claim must be dismissed because Tutor Perini itself admits that the complained-of conduct did not occur primarily and substantially in Massachusetts.

The Chartis Insurers rely on their accompanying Memorandum in Support of Motion for Partial Judgment on the Pleadings.

WHEREFORE, the Chartis Insurers respectfully request that Count III of Tutor Perini's Counterclaim be dismissed.

Dated: March 26, 2012

ILLINOIS NATIONAL INSURANCE
COMPANY; THE INSURANCE COMPANY OF
THE STATE OF PENNSYLVANIA; and
NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA,

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